



# **Fits & Starts:**

## **Legal Hurdles to CCS Deployment in the U.S.**

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2013 Utah Governor's Energy Development Summit

**Eric L. Martin**



January 10, 2013 • Salt Lake City, Utah

# Commercial Deployment

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**Carbon Capture and Sequestration (CCS)?**

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 **STOEL RIVES** LLP  
ATTORNEYS AT LAW

# Legal Hurdles

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- Scope of the costs
- How to pay for CCS?



# Scope of the costs

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Lake Nyos, Cameroon  
August 26, 1986

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# Scope of the costs

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- State CO<sub>2</sub> sequestration statutes
- EPA Class VI injection well regulations
- Resource (*i.e.*, pore space) acquisition



# How to pay for CCS?

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- Ratepayers only bear “just and reasonable” costs (Utah Code § 54-3-1)
- No climate change legislation

# Deployment: CCS → CCUS

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- Scope of the costs:  
**Class VI → Class II**
- How to pay for it?  
**Waste → Valuable Resource**

# Thank you!

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